

Message Text

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PAGE 01 STATE 206527
ORIGIN NEA-10

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FM SECSTATE WASHDC
TO USINT BAGHDAD PRIORITY
INFO AMEMBASSY JIDDA

C O N F I D E N T I A L STATE 206527

JIDDA FOR WILEY

E.O. 11652: GDS

TAGS: ASEC, PDIP, IZ, US

SUBJECT: DETENTION OF LOCAL EMPLOYEE

REFS: (A) JIDDA 5622, (B) BAGHDAD 1341

1. WE BELIEVE THAT YOU SHOULD BEGIN TO UNDERTAKE A MORE ACTIVE STANCE WITH REGARD TO SOUSA'S CONTINUED DETENTION. IN THE PROCESS, WE WANT YOU TO MAKE CLEAR TO THE APPROPRIATE IRAQIS THAT WE WILL NOT ACCEPT THEIR UNFOUNDED CHARGE OF INTERVENTION IN IRAQ'S INTERNAL AFFAIRS. OUR VIEW IS THAT YOU SHOULD MAKE AN ORAL PRESENTATION OF OUR POSITION TO THE DIRECTOR GENERAL OF POLITICAL AFFAIRS ZAHAWI, AND ALSO AT YOUR DISCRETION TO THE DIRECTOR GENERAL OF CONSULAR AFFAIRS, WHO SIGNED THE NOTE REPORTED IN REF (B).

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 206527

2. AT YOUR DISCRETION, HOWEVER, YOU ARE AUTHORIZED TO PROVIDE THE IRAQI OFFICIAL AN INFORMAL RPT INFORMAL PIECE OF PAPER FOR HIS USE ALONE IN PREPARING POSSIBLE REPORT TO OTHER QUARTERS, OUTLINING THE POINTS YOU WOULD BE MAKING. ALTERNATIVELY, AFTER YOUR MEETING, IF IT IS A CONSTRUCTIVE ONE, YOU COULD SEND TO THE OFFICIAL AN AIDE MEMOIRE SUMMARIZING YOUR EXCHANGE.

3. FOLLOWING ARE THE MAJOR POINTS WE SUGGEST THAT YOU MAKE:

--WE ARE UNABLE TO UNDERSTAND WHY WE CANNOT BE GIVEN AN EXPLANATION OF THE DISAPPEARANCE OF SOUSA. ASIDE FROM OUR OWN CONCERN, HIS WIFE AND FAMILY ARE UNDERSTANDABLY ANXIOUS

--THE U.S. HAS FOLLOWED WITH CLOSE INTEREST THE IRAQI GOVERNMENT'S EFFORTS TO IMPROVE THE WELFARE OF ITS CITIZENS THROUGH VARIOUS PROGRAMS. AT THE SAME TIME, HOWEVER, INCIDENTS--SUCH AS THE UNEXPLAINED DISAPPEARANCE OF SOUSA--TEND TO BECOME KNOWN NOT SIMPLY TO A SMALL CIRCLE OF PEOPLE BUT A GREAT MANY OTHERS. OTHER FOREIGN MISSIONS IN BAGHDAD ARE BY NOW AWARE OF SOUSA'S UNEXPLAINED DISAPPEARANCE, AND THIS FACT CANNOT FAIL TO DEVELOP AN IMPRESSION. IT SEEMS TO US THAT SUCH INCIDENTS AS THE SOUSA DISAPPEARANCE TEND TO UNDERMINE THE EFFORTS BEING MADE BY THE IRAQI GOVERNMENT--WHICH HAVE NOT GONE UNNOTICED--TO IMPROVE ITS IMAGE IN THE WEST AND WITH ITS NEIGHBORS IN THE GULF REGION.

--THE 1961 VIENNA CONVENTION ON DIPLOMATIC RELATIONS EXPLAINS THAT, IN EXERCISING ITS JURISDICTION OVER STAFF MEMBERS OF A DIPLOMATIC MISSION WHO ARE NATIONALS OR PERMANENT RESIDENTS OF THE RECEIVING STATE, THE HOST GOVERNMENT SHALL NOT INTERFERE UNDULY WITH THE PERFORMANCE OF OR THE FUNCTIONS OF THE DIPLOMATIC MISSION (ARTICLE 38,
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 206527

PARAGRAPH 2). WITHOUT IN ANY WAY CHALLENGING IRAQ'S RIGHTS TO EXERCISE ITS SOVEREIGN RIGHTS, WE BELIEVE WE ARE NEVERTHELESS ENTITLED UNDER THE TERMS OF THIS CONVENTION TO AN EXPLANATION FOR SOUSA'S DISAPPEARANCE.

--WE CANNOT ACCEPT THE CONTENTION IN THE FOREIGN MINISTRY'S NOTE OF AUGUST 4 THAT THE INFORMAL SUGGESTION OF SOUSA'S EMIGRATION CONSTITUTED INTERVENTION IN THE INTERNAL AFFAIRS OF IRAQ. THE FACT IS THAT SOUSA HAS WORKED FOR MOST OF HIS ADULT LIFE FOR THE US GOVERNMENT IN IRAQ. WE HAVE NO REASON TO DOUBT THAT THROUGHOUT THAT PERIOD HE HAS ALSO BEEN A LOYAL IRAQI CITIZEN. NEVERTHELESS, HE HAS INDICATED AN INTEREST IN SETTLING EVENTUALLY IN THE US. THE US HAS A LAW WHICH MAKES IT POSSIBLE FOR HOST NATIONAL EMPLOYEES OF OUR DIPLOMATIC AND CONSULAR MISSIONS AROUND THE WORLD TO APPLY FOR SPECIAL IMMIGRANT STATUS AFTER 15 YEARS OF SERVICE. IF IRAQ DECIDES NOT TO ALLOW SOUSA TO LEAVE IRAQ, THAT IS ITS SOVEREIGN PRIVILEGE, AND WE CERTAINLY COULD NOT POSSIBLY RAISE A FORMAL OBJECTION.

--THE FORMER PRINCIPAL OFFICER DID NOT BELIEVE THAT HE WAS MAKING A FORMAL REQUEST FOR SOUSA'S EMIGRATION. IT WAS

SIMPLY AN INFORMAL SOUNDING OF IRAQI ATTITUDES AND IN NO WAY WAS INTENDED TO INTERFERE WITH THE NORMAL COURSE OF THE IRAQI GOVERNMENT'S POLICIES ON THESE AND SIMILAR ISSUES.

--AS UNDER SECRETARY HABIB STATED CATEGORICALLY TO THE FOREIGN MINISTER DURING HIS VISIT TO BAGHDAD, THE US IS NOT AND WILL NOT IN ANY WAY INTERFERE IN IRAQ'S INTERNAL AFFAIRS. VANCE

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